

the pedal arm being pivotally mounted on the lower carrier portion;

the generator means including a potentiometer mounted on the lower portion of the carrier and means operative in response to pivotal movement of the pedal arm to vary the setting of the potentiometer;

the carrier further including a nut slidably positioned within the hollow of the guide rod and means connecting the nut to the carrier so that sliding movement of the nut within the guide rod moves the carrier fore and aft along the guide rod; and

the drive means including a screw shaft threadably received in the nut and means operative to rotate the screw shaft.

Claim 10, second line, change "9" to --16--.

Claim 13, third to the last line, delete "an".

Claim 14, second line, change "1" to --13--.

Remarks

By this Amendment drawing correction sheets are submitted; informalities noted in the specification by the Examiner are corrected; informalities noted in the claims by the Examiner are corrected; allowed claim 9 is rewritten in independent form as new claim 16; the dependency of claim 14 is corrected; a

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cont.

Terminal Disclaimer is submitted with respect to co-pending applications Serial Nos. 08/516,050 and 08/513,017a; and claim 1 is amended to improve its definition of the invention and more clearly distinguish over the prior art.

Claim 1 stands rejected as unpatentable over *Gibas* in view of *Stewart* on the grounds that it would have been obvious to modify *Gibas* by including the coil spring means operative in response to tightening of the spring, including an annular sleeve mounted on an annular friction surface defined by a hub structure within which the pivot shaft is journaled wherein the coil spring encircles a sleeve which is positioned over the hub structure so that tightening of the spring urges the sleeve into frictional engagement with the friction surface, in view of *Stewart* for the purpose of providing the desired hysteresis effect.

*Gibas* discloses an adjustable control pedal apparatus including a screw shaft 52 powered by a motor 84; a carrier 58 mounted for threaded movement along shaft 52 in response to energization of motor 84; a push-pull Bowden cable 72 connected at its forward end to the vehicle throttle and connected at its rearward end to a bracket 70 mounted on carrier 58; and a pedal arm 64 pivotally connected at its upper end to the rear end of the core wire of cable 72, carrying an accelerator pedal 68 at its lower end, and pivotally mounted intermediate its ends on a pin 62 carried at the lower end of carrier 58. The vehicle throttle is thus controlled by pivotal movement of pedal 68

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about pin 62 to pull the core wire of Bowden cable 72 rearwardly and progressively open the throttle, and selective fore and aft adjustment of the pedal assembly to accommodate drivers of various stature is accomplished by energization of motor 84 to rotate screw shaft 52 and move carrier 58 fore and aft along the screw shaft.

The apparatus also conventionally includes a kick-down mechanism whereby, when the accelerator pedal is moved to an extreme forward or "floored" position, a switch is actuated to send a signal to a transmission solenoid to "kick" the transmission down a gear, for example, from the high speed range to the intermediate speed range, to facilitate delivery of more power to the vehicle in a passing situation.

In this case, the kick-down switch 78 is carried on the bracket 70 and includes an actuator arm (not numbered) engaging the pedal arm 64 so that as the actuator arm is moved to an extreme rearward position by extreme pivotal movement of arm 64, a kick-down signal is sent to the transmission solenoid. That is, Gibas discloses an adjustable control pedal apparatus in which the control signal generated by the apparatus, in conventional fashion, comprises a mechanical signal in the form of relative movement of the core wire of the Bowden control cable and in which the apparatus, also in conventional fashion, provides an on/off kick-down switch for the transmission to facilitate optimization of power in passing situations.

Applicant's invention, by contrast, is directed to an adjustable drive-by-wire pedal assembly which was clearly never envisioned by *Gibas*. This basic distinction between the apparatus of the invention and the *Gibas* apparatus has now been clarified in claim 1 wherein the preamble to the claim has been amended to require that the adjustable pedal assembly is a drive-by-wire pedal assembly; the pedal assembly has been required to generate an electric control signal; and the generator means has been amended to require that it be operative in response to movement of the pedal structure relative to the carrier to generate an electric control signal that varies in magnitude in proportion to the extent of movement of the pedal structure relative to the carrier so that the control signal is proportioned to and indicative of the position of the pedal structure relative to the carrier.

It is respectfully submitted that claim 1 as amended clearly distinguishes over *Gibas* taken singly or in any reasonable hypothetical combination, such as in view of *Stewart*. In fact, none of the prior art teaches the basic combination of an adjustable pedal assembly that is also a drive-by-wire pedal assembly. The fundamentals of this basic combination, in further combination with a coil spring arrangement to provide the desired feel and hysteresis effect, are now clearly set forth in claim 1 as amended.

This application is now considered to be in condition for allowance. If the Examiner feels that other claim terminology

would better define the invention or better distinguish over the prior art, she is respectfully requested to call applicant's attorney at the number shown below.

Respectfully submitted,

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